

**Resolution No. 2021-22-04
of the Local Agency Formation Commission of Mendocino County**

**Ratification of an Out of Area Water Service Agreement
Approval Involving the City of Fort Bragg
And 19970 and 19981 Minnesota Avenue**

WHEREAS, the Local Agency Formation Commission of Mendocino County, hereinafter referred to as the “Commission”, administers California Government Code Section 56000 et. seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Commission is responsible for authorizing cities and special districts to enter into outside service agreements in accordance with California Government Code Section 56133; and

WHEREAS, the Commission received an application from the City of Fort Bragg, hereinafter referred to as “proposal”, requesting the approval of an out of agency water service agreement involving two parcels within the unincorporated area located at 19970 and 19981 Minnesota Avenue, identified by the Mendocino County Assessor’s Office as APNs 018-300-06 and 018-300-01, respectively; and

WHEREAS, Commission policy allows the Executive Officer to approve an out of agency service agreement to address an emergency public health threat subject to later ratification by the Commission; and

WHEREAS, the proposal was conditionally approved by the Executive Officer on September 16, 2021 given documentation that the private wells serving the affected territories have failed, creating a public health threat; and

WHEREAS, the Executive Officer’s condition of approval for the proposal required the subject landowners to submit executed Annexation Consent Agreement and Covenants for each subject territory; and

WHEREAS, the Executive Officer prepared and presented a written report to the Commission in the manner provided by law and adopted policy for purposes of considering ratification of the Executive Officer’s approval; and

WHEREAS, the Commission heard and fully considered all the evidence presented on the Executive Officer’s approval of the proposal at a public meeting held on October 4, 2021.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. In accordance with the applicable provisions of the California Environmental Quality Act (CEQA), the Commission finds the proposal is statutorily exempt from further review under Public Resources Code Section 21080(b)(4), which exempts “specific actions necessary to prevent or mitigate an emergency.” Further, the proposal is an exempt from further review under CEQA Guidelines Section 15282(k), which exempts the installation of new pipeline provided the project does not exceed one mile in length.
2. The Commission ratifies the Executive Officer’s out of agency water service agreement approval of September 16, 2021.

3. The Commission hereby directs staff to file a Notice of Exemption in compliance with CEQA.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County on this 4th day of October 2021 by the following vote:

AYES: (7) Ward, Mulheren, Gonzalez, Froneberger, Ignacio, McGourty, Orth

NOES:


ABSTAIN:

ABSENT:



CHARLES A. ORTH, Commission
Chair

ATTEST:



UMA HINMAN, Executive Officer